

A regular meeting of the Municipal Civil Service Commission convened on Monday, August 27, 2001, with Priscilla R. Tyson, Douglas S. Morgan and Grady L. Pettigrew present.

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RE: *Review and approval of the July 30, 2001, regular meeting minutes.*

This item was deferred to later in today's meeting.

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RE: *Review and approval of the August 9, 2001, special meeting minutes.*

This item was deferred to later in today's meeting.

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RE: *Review and approval of the August 16, 2001, special meeting minutes.*

This item was deferred to later in today's meeting.

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RE: *Review of the results of the pre-hearing conferences for the following appeals:*

- a). Arturo Kenrick vs. Columbus Public Schools, Appeal No. 00-BA-0027. Bus Driver – Discharge – Trial Board hearing scheduled for November 12, 2001.
- b). Melva Saunders-Johnson vs. Columbus Public Schools, Appeal No. 01-BA-0007. Bus Driver – 5-day suspension – Trial Board hearing scheduled for November 5, 2001.

This item was deferred to later in today's meeting.

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RE: *Rule Revisions.*

No Rule revisions were submitted this month.

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RE: *Decision on the residency requirement review for Stacy O. Stewart.*

This item was deferred to later in today's meeting.

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RE: *Trial Board Recommendations.*

No Trial Board recommendations were submitted this month.

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RE: *Columbus Public School Classification Items.*

No Columbus Public School classification items were submitted this month.

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RE: *Request of the Civil Service Commission staff to approve the specification review for the classification Water Accounts Assistant Supervisor with no revisions (Class Code 1262).*

*Request of the Civil Service Commission staff to approve the specification review for the classification Electric Switchboard Operator Trainee with no revisions (Class Code 3587).*

*Request of the Civil Service Commission staff to approve the specification review for the classification Substation Maintenance Supervisor with no revisions (Class Code 3596).*

PRESENT: Ronald L. Jenkins, Personnel Analyst I

Ronald Jenkins presented a request to approve the specification review for these three classifications with no revisions.

In accordance with the Commission's policy to review all classifications every five years these classifications were reviewed. With information received from the departments, it was determined that no revisions were necessary at this time.

A motion to approve the request was made, seconded, and passed unanimously.

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RE: *Request of the Civil Service Commission staff to approve the specification review for the classification Utility Consumer Transactions Coordinator with no revisions (Class Code 0729).*

This item was deferred.

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RE: *Request of the Civil Service Commission staff to approve the specification review for the classification Automotive Parts Keeper Supervisor with no revisions (Class Code 1351).*

*Request of the Civil Service Commission staff to approve the specification review for the classification Keep Columbus Beautiful Coordinator with no revisions (Class Code 0751).*

PRESENT: Ronald L. Jenkins, Personnel Analyst I

Ronald Jenkins presented a request to approve the specification review for these two classifications with no revisions.

In accordance with the Commission's policy to review all classifications every five years these classifications were reviewed. With information received from the departments, it was determined that no revisions were necessary at this time.

A motion to approve the request was made, seconded, and passed unanimously.

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RE: *Request of the Civil Service Commission staff to revise the specification for the classification Accountant II (Class Code 1235).*

PRESENT: Ronald L. Jenkins, Personnel Analyst I

Ronald L. Jenkins, Personnel Analyst I, presented the Commission's request to revise the specification for the classification Accountant II as part of the ongoing effort to update all classifications at least every five years. This specification was last reviewed in January of 1996. Currently, there are eleven incumbents in this classification located in the City Auditor's, Public Service, Public Utilities and Development Departments.

There were no proposed revisions to the definition. Revisions to the examples of work section of the specification were recommended to more accurately reflect technological advances, and to eliminate redundancies. No revisions were recommended to the minimum qualifications or knowledge, skills, and abilities section of the specification. It was recommended that the probationary period remain 365 days and that the examination type remain competitive.

A motion to approve the request was made, seconded, and passed unanimously.

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RE: *Request of the Civil Service Commission staff to revise the specification for the classification Accountant III (Class Code 1236).*

PRESENT: Ronald L. Jenkins, Personnel Analyst I

Ronald L. Jenkins presented the Commission's request to revise the specification for the classification Accountant III as part of the ongoing effort to update all classifications at least every five years. This specification was last reviewed in January of 1996. Currently, there are three incumbents in this classification located in the Public Service, Public Utilities and Recreation & Parks Departments.

The definition was recommended for revision to more concisely describe this classification. Revisions to the examples of work section of the specification were requested to better clarify the duties performed by incumbents, to more accurately reflect technological advances and to eliminate redundancies. The minimum qualifications were revised to read: "Experience as an Accountant II with the City of Columbus may substitute for up to two years of the required education on a year-for-year basis." No revisions were recommended to the knowledge, skills and abilities section of the specification. It was recommended that the probationary period remain 365 days and that the examination type remain competitive.

A motion to approve the request was made, seconded, and passed unanimously.

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RE: *Request of the Civil Service Commission staff to revise the specification for the classification Clerk Specialist (Class Code 0557).*

This item was deferred.

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RE: *Request of the Civil Service Commission staff to revise the specification for the classification Building Plan Examiner III (Class Code 1117).*

This item was deferred.

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RE: *Request of the Civil Service Commission staff to revise the specification for the classification Drafter/CAD Operator (Class Code 1183).*

This item was deferred.

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RE: *Request of the Civil Service Commission staff to revise the specification for the classification Public Information Officer (Class Code 3105).*

PRESENT: Ronald L. Jenkins, Personnel Analyst I

Ronald L. Jenkins presented the Commission's request to revise the specification for the classification Public Information Officer in response to the Civil Service Commission's objective to review all classifications every five years. This classification was last reviewed in May of 1996. There are currently two incumbents in this classification located in the Public Utilities and Development Departments.

No revisions to the definition were recommended. Revisions to the examples of work were requested to better clarify the duties performed by incumbents. Revisions to the knowledge, skills and abilities section were requested to better encompass the necessary skills needed for this classification. No revisions were recommended to the minimum qualifications. It was recommended that the probationary period remain at 365 days and that the examination type remain noncompetitive.

A motion to approve the request was made, seconded, and passed unanimously.

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RE: *Request of the Civil Service Commission staff to revise the specification for the classification Building Inspector II (Class Code 1769).*

This item was deferred.

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RE: *Request of the Civil Service Commission staff to abolish the specification for the classification Deputy Trade and Development Director and amend Rule XI accordingly (Class Code 0062).*

PRESENT: Tammy Rollins, Personnel Administrative Officer

Tammy Rollins, Personnel Administrative Officer, presented the Commission's request to abolish the specification for the classification Deputy Trade and Development Director. There are currently no positions allocated to this classification, which was last revised in July 1994. The duties and responsibilities of this position are currently being performed under the title of Department Deputy Director (U). It was therefore, recommended that the Deputy Trade and Development Director be abolished as proposed.

A motion to approve the request was made, seconded, and passed unanimously.

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RE: *Request of the Civil Service Commission staff to revise the specification for the classification Secretary (Class Code 0477).*

PRESENT: Tammy Rollins, Personnel Administrative Officer

Tammy Rollins presented the Commission's request to revise the specification for the classification Secretary, which was last reviewed in November of 1994. There are currently twenty-four position incumbents serving in this classification.

The only proposed revision to this specification was to the minimum qualifications section, which has proven to be problematic in the past. The proposal is to broaden the type of experience that would qualify individuals to sit for the competitive examination. The proposed experience requirement is consistent with the type of experience required by other companies and jurisdictions for comparable, secretarial jobs. The proposed minimum qualifications were recommended to read, "two years of general office experience which included operating a typewriter or word processing equipment." A substitution is included that would allow one year of training in a secretarial science or closely related field to substitute for one year of the required experience.

A motion to approve the request was made, seconded, and passed unanimously.

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RE: *Request of the Civil Service Commission staff to revise the specification for the classification Sewer Maintenance Supervisor II (Class Code 3969).*

PRESENT: Tammy Rollins, Personnel Administrative Officer

Tammy Rollins presented this request from the Department of Public Utilities to revise the specification for the classification Sewer Maintenance Supervisor II. The proposed revision requested by the Department was to broaden the minimum qualifications to increase the number of applicants qualifying to take the competitive examination. This classification was last reviewed in May of 2000 however, the Department requested revisions at this time due to the difficulty they are experiencing in recruiting and attracting qualified individuals.

The Sewer Maintenance Supervisor II classification is responsible for supervising multiple crews engaged in the construction, maintenance, power cleaning and repair of wastewater/storm-water collection systems. There are currently four positions serving in this capacity for the division, which are supervising more than seventy-five positions. While the supervision experience is critical, the supervision of employees specifically engaged in the work of constructing, maintaining, and repairing wastewater/storm-water collection systems may be too specialized. It was therefore recommended that the experience requirement be expanded to include, "supervision of employees engaged in the construction, maintenance and repair of underground utilities or general construction work." The proposed minimum qualifications would allow a larger, more diverse group of individuals to qualify to take the competitive examination without compromising the quality of the applicant pool. It was further recommended that the definition be revised slightly to include power cleaning, and the supervision of multiple crews. The examples of work and knowledge, skills and abilities sections of the specification were revised to include reference to the use

of personal computers and applicable software programs. It was recommended that the probationary period remain at 365 days and that the examination type remain competitive.

A motion to approve the request was made, seconded, and passed unanimously.

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RE: *Review of the results of the pre-hearing conferences for the following appeals:*

- a). Arturo Kenrick vs. Columbus Public Schools, Appeal No. 00-BA-0027. Bus Driver – Discharge – Trial Board hearing scheduled for November 12, 2001.
- b). Melva Saunders-Johnson vs. Columbus Public Schools, Appeal No. 01-BA-0007. Bus Driver – 5-day suspension – Trial Board hearing scheduled for November 5, 2001.

PRESENT: Brenda Sobieck, Personnel Administrative Officer

Brenda Sobieck appeared before the Commission and reported the results of two pre-hearing conferences.

Arturo Kenrick – Bus Driver, Columbus Public Schools, discharged for neglect of duty and insubordination. Mr. Kenrick appealed on the merits and mitigation. The School Board plans to call four witnesses and Mr. Tyson, who is representing the appellant, plans to call seven witnesses. The School Board anticipates they can complete their case in approximately two hours and Mr. Tyson also estimated two hours to complete his case; this case should be finished in one afternoon.

Melva Saunders-Johnson – Bus Driver, Columbus Public Schools, five-day suspension for insubordination. Ms. Saunders-Johnson appealed based upon the merits. The appellant was represented by Ben Wills, an OAPSE attorney. Mr. Wills intends to call three witnesses. The School Board plans to call only one witness. Both parties estimate it will take thirty minutes each to present their case, so this hearing should be finished in one hour.

Brenda Sobieck also submitted an update on a previously reported pre-hearing conference for:

Donna Wheat – Custodian II, Columbus Public Schools, Appeal No. 01-BA-0009, ten-day suspension. This trial board is scheduled for September 17, 2001. OAPSE submitted an additional three witnesses, for a total of five.

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RE: *Request of the Civil Service Commission staff to revise the specification for the classification Sewer Service Worker (Emergency) [Class Code 3313].*

PRESENT: Tammy Rollins, Personnel Administrative Officer

Tammy Rollins presented the Commission's request to revise the specification for the classification Sewer Service Worker (Emergency) as part of the ongoing effort to update all classifications at least every five years. This specification was last reviewed in September of 1993.

No revisions were recommended to the definition or minimum qualifications section of the specification. The only revisions proposed were to the examples of work and knowledge, skills, and abilities sections to reference usage of personal computers and applicable software.

A motion to approve the request was made, seconded, and passed unanimously.

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RE: *Request of the Civil Service Commission staff to revise the specification for the classification Placement Coordinator, retitle it to read Employee Programs Coordinator and amend Rule XI accordingly (Class Code 0868).*

PRESENT: Barbara Crawford, Personnel Analyst II

Barbara Crawford presented this request. In accordance with Civil Service policies and procedures on five-year classification reviews, this classification was scheduled for review this year. There is one position allocated to this classification in the Department of Human Resources.

It was recommended that the definition be revised to reflect a greater emphasis on development of employee resources. It was recommended that the examples of work be revised to reflect the emphasis of this classification shifting to developing programs that focus on utilizing employee resources, expanding opportunities for employees and marketing the activities of the Department of Human Resources. It was recommended that a guidelines for class use be included to read, "This classification is to be used exclusively in the Department of Human Resources." With the proposed revisions to the classification it was recommended that the minimum qualifications section of the specification be revised to specify the type of bachelor's degree and type of professional experience required. It was recommended that the knowledge, skills and abilities be revised to reflect the new responsibilities of this classification as well as the technical skills needed for successful job performance. It was recommended that the probationary period remain at 365 days and the examination type remain noncompetitive.

A motion to approve the request was made, seconded, and passed unanimously.

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RE: *Request of the Civil Service Commission staff to revise the specification for the classification Development Rehabilitation Technician (Class Code 2044).*

This item was deferred.

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RE: *Request of the Civil Service Commission staff to revise the specification for the classification Fleet Assistant Manager (Class Code 0845).*

This item was deferred.

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RE: *Request of the Civil Service Commission staff to revise the specification for the classification Parking Regulation Attendant Supervisor (Class Code 3023).*

PRESENT: Jeanne Landoll, Personnel Analyst I

Jeanne Landoll presented the Commission's request to revise the specification for the classification Parking Regulation Attendant Supervisor, as part of the Commission's effort to update all classifications every five years. This classification was created in 1984. There are two incumbents assigned to the City Treasurer's Office.

It was recommended that the definition be revised by replacing "Parking Regulation Attendants" with "employees engaged". No revisions were recommended to the examples of work or minimum qualifications sections of the specification. Revisions to the knowledge, skills and abilities section were recommended to reflect the skill necessary to perform the tasks. It was recommended that the probationary period remain at 365 days and that the examination type remain competitive.

A motion to approve the request was made, seconded, and passed unanimously.

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RE: *Request of the Civil Service Commission staff to revise the specification for the classification Solid Waste Inspector (Class Code 1866).*

PRESENT: Jeanne Landoll, Personnel Analyst I

Jeanne Landoll presented the Commission's request to revise the specification for the classification Solid Waste Inspector as part of the Commission's effort to update all classifications every five years. This classification was created in 1994. There are four incumbents assigned to the Public Service Department, Refuse Division.

No revisions to the definition were recommended. Revisions to the examples of work section of the specification were recommended to better clarify the duties performed by incumbents. No revisions to the minimum qualifications were recommended. Changes to the knowledge, skills and abilities were recommended to more accurately reflect the skill necessary to perform the tasks. It was recommended that the probationary period remain 270 days and that the examination type remain competitive.

A motion to approve the request was made, seconded, and passed unanimously.

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RE: *Request of the Civil Service Commission staff to revise the specification for the classification Wastewater Chemist II (Class Code 1929).*

PRESENT: Jeanne Landoll, Personnel Analyst I

Jeanne Landoll presented the Commission's request to revise the specification for the classification Wastewater Chemist II as part of the Commission's effort to update all classifications every five years. This classification was created in 1979. There are four incumbents assigned to the Department of Public Utilities, Sewers and Drainage Division.

No revisions to the definition were recommended. Revisions to the examples of work section of the specification were recommended to better clarify the duties performed by incumbents. There were no recommended changes to the minimum qualifications. Changes to the knowledge, skills and abilities were requested to reflect the skill necessary to perform the duties of positions allocated to Wastewater Chemist II. It was recommended that the probationary period remain at 365 days and that the examination type remain competitive.

A motion to approve the request was made, seconded, and passed unanimously.

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RE: *Request of the Civil Service Commission staff to revise the specification for the classification Wastewater Surveillance Technician II (Class Code 1861).*

PRESENT: Jeanne Landoll, Personnel Analyst I

Jeanne Landoll presented the Commission's request to revise the specification for the classification Wastewater Surveillance Technician II as part of the Commission's effort to update all classifications every five years. This classification was created in 1979. There are four incumbents assigned to the Department of Public Utilities, Sewers and Drainage Division.

It was recommended that the definition be revised to specify that the collection of samples and flow measurements are "sewer and/or storm water" discharges. Revisions recommended to the examples of work were to better clarify the duties performed by incumbents. No revisions to the minimum qualifications were recommended. Changes to the knowledge, skills and abilities were recommended to more accurately define the skills needed and to eliminate redundancies. It was recommended that the probationary period remain 365 days and that the examination type remain competitive.

A motion to approve the request was made, seconded, and passed unanimously.

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RE: *Request of the Civil Service Commission staff to revise the specification for the classification Automotive Mechanic (Heavy) [Class Code 3459].*

PRESENT: Jennifer Hutchinson, Personnel Analyst II

Jennifer Hutchinson presented this request from the Division of Fleet Management. Automotive Mechanic (Heavy) was last reviewed in May of 1997. There are currently sixty incumbents in this classification.

No revisions to the definition were recommended. Revisions to the examples of work section of the specification were recommended to be consistent with the duties performed by the Automotive Mechanic (Heavy) incumbents. In order to expand the applicant pool, to allow more mechanics to qualify for this classification, it was requested that the minimum qualifications be revised to allow for one year of experience as a fully skilled automotive mechanic. The divisions that use this classification feel that one year fully skilled experience is substantial enough for someone to be able to perform the duties required. It was also requested that "on heavy equipment" be removed from the current minimum qualifications. The examination for this classification will remain a performance examination, testing applicants on diagnosis of heavy equipment. Therefore, the testing process would eliminate applicants that will not be able to adjust to and apply mechanic techniques to heavy equipment. It was further requested that two years as an Automotive Mechanic Helper qualify an applicant for this position. No revisions were recommended to the knowledge, skills and abilities section of the specification. It was recommended that the examination type remain competitive and that the probationary period remain 180 days.

A motion to approve the request was made, seconded, and passed unanimously.

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RE: *Request of the Civil Service Commission staff to revise the specification for the classification Aging Programs Administrator (Class Code 0873).*

PRESENT: Jennifer Hutchinson, Personnel Analyst II

Jennifer Hutchinson presented this request as part of the Civil Service Commission's effort to review all classifications at least every five years. Aging Programs Administrator was last reviewed in October of 1993. There is currently one incumbent in this classification.

No revisions to the definition were recommended. Revisions to the examples of work were recommended to better specify the duties performed by the Aging Programs Administrator. It was recommended that the minimum qualifications be revised to require six rather than three years of experience. It is the opinion of the Central Ohio Area Agency on Aging that three years is not realistic for an applicant to have the necessary knowledge to be capable of performing this job. The increase in experience required will also make this classification consistent within its series; the classification specification below this classification requires a bachelor's degree and five years of experience. One addition to the knowledge, skills and abilities was recommended to include an important aspect of this classification (considerable knowledge of public policy related to older adults). It was recommended that the probationary period remain 365 days and that the examination type remain noncompetitive.

A motion to approve the request was made, seconded, and passed unanimously.

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RE: *Request of the Civil Service Commission staff to revise the specification for the classification Aging Programs Manager (Class Code 0874).*

PRESENT: Jennifer Hutchinson, Personnel Analyst II

Jennifer Hutchinson presented this request as part of the Civil Service Commission's effort to review all classifications at least every five years. Aging Programs Manager was last reviewed in October of 1993. There are currently three incumbents in this classification.

The only revision to the definition was to replace the word "elderly" with "older adults". Revisions to the examples of work section of the specification were recommended to encompass duties performed by the Aging Programs Manager incumbents. Revisions recommended to the minimum qualifications were to replace the word "elderly" with "older adults" and that the experience substitution be removed, pursuant to Commission policy, since this classification is designated as noncompetitive. The only revision to the knowledge, skills and abilities was to replace "elderly" with "older adults". It was recommended that the probationary period remain at 365 days and that the examination type remain noncompetitive.

A motion to approve the request was made, seconded, and passed unanimously.

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RE: *Request of the Civil Service Commission staff to revise the specification for the classification Aging Programs Specialist I (Class Code 0875).*

PRESENT: Jennifer Hutchinson, Personnel Analyst II

Jennifer Hutchinson presented this request as part of the Civil Service Commission's effort to review all classifications at least every five years. Aging Programs Specialist I was last reviewed in October of 1993. There are currently twenty-six incumbents in this classification.

No revisions to the definition were recommended. Revisions to the examples of work section of the specification were recommended to better clarify the duties performed by the Aging Programs Specialist I incumbents. It was also recommended that the word "client" be changed to "consumer" and the word "elderly" be replaced with "older adults". It was recommended that the qualification of an interim nursing permit or interim social worker permit be removed from the minimum qualifications because they no longer exist. Again, replacing elderly with older adults was recommended to this section. Revisions to the knowledge, skills and abilities were recommended to better clarify the knowledge needed



by applicants and to make the language consistent with outside agencies. It was recommended that the probationary period remain 365 days and that the examination type remain noncompetitive.

A motion to approve the request was made, seconded, and passed unanimously.

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RE: *Request of the Civil Service Commission staff to revise the specification for the classification Aging Programs Specialist II (Class Code 0876).*

PRESENT: Jennifer Hutchinson, Personnel Analyst II

Jennifer Hutchinson presented this request as part of the Civil Service Commission's effort to review all classifications at least every five years. Aging Programs Specialist II was last reviewed in October of 1993. There are currently four incumbents in this classification.

No revisions to the definition were recommended. Revisions to the examples of work section of the specification were recommended to encompass the duties performed by positions allocated to Aging Programs Specialist II incumbents. It was recommended that the qualification of an interim nursing permit or interim social worker permit be removed from the minimum qualifications because they no longer exist. It was requested that the word "clients" be changed to "consumers" in this section and the knowledge, skills and abilities section of the specification. This is the current language used by Franklin County and other grant providers and would make this classification language consistent with outside agencies. It was recommended that the probationary period remain 365 days and that the examination type remain noncompetitive.

A motion to approve the request was made, seconded, and passed unanimously.

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RE: *Request of the Civil Service Commission staff to revise the specification for the classification Supportive Services Advisor (Class Code 3111).*

PRESENT: Jennifer Hutchinson, Personnel Analyst II

Jennifer Hutchinson presented this request as part of the Civil Service Commission's effort to review all classifications at least every five years. Supportive Services Advisor was last reviewed in October of 1993. There are currently ten incumbents in this classification in the Recreation and Parks Department and the Health Department.

It was recommended that the word "client" be replaced with "consumer" in the definition and all other sections of the specification. This is the current language used by Franklin County and other grant providers and would make this specification language consistent with outside agencies. It was requested that the definition be expanded to include all aspects of the Supportive Services Advisor classification. It was also recommended that the examples of work section be revised to encompass duties performed by the Supportive Services Advisor incumbents. No revisions to the minimum qualifications or knowledge, skills and abilities sections of the specification were recommended. It was recommended that the probationary period remain at 365 days and that the examination type remain noncompetitive.

A motion to approve the request was made, seconded, and passed unanimously.

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RE: *Residency Hearing Reviews.*

No residency hearing reviews were submitted this month.

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*The Commission recessed its regular meeting at 1:25 p.m. to consider deferred items, personnel actions, and administrative and jurisdictional reviews.*

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*The Commission resumed its regular meeting at 1:49 p.m.*

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RE:     *Review and approval of the July 30, 2001, regular meeting minutes.*

The minutes were approved as written.

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RE:     *Review and approval of the August 9, 2001, special meeting minutes.*

The minutes were approved as written.

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RE:     *Review and approval of the August 16, 2001, special meeting minutes.*

The minutes were approved as written.

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RE:     *Decision on the residency requirement review for Stacy O. Stewart.*

Commission President Tyson read the following into the record:

At its special meeting on August 9, 2001, the Civil Service Commission reviewed the additional documentation provided regarding the residency requirement for Stacy O. Stewart. After a review of said documents, it was determined that he does in fact meet the residency requirement. As a result of this determination, no further action will be taken regarding the investigation.

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RE:     *BACKGROUND ADMINISTRATIVE REVIEWS.*

Background Administrative Reviews		
August 16, 2o001		
Dwight D. Decker	Police Officer	01-BR-063
Scott A. Stacy	Police Officer	01-BR-064
Derrick J. Turner	Police Officer	01-BR-065
Tiffany R. Erwin	Police Officer	01-BR-066
William C. Duerson	Police Officer	01-BR-067
Matthew S. Cellura	Police Officer	01-BR-069
Carl B. Schweisthal	Firefighter	01-BR-070
Michael M. Barnes	Police Officer	01-BR-071
Corbin M. Wood	Police Officer	01-BR-072
Robert F. Zidar	Police Officer	01-BR-073
Thomas D. Grube	Police Officer	01-BR-074
George C. Lape	Police Officer	01-BR-075
Tonia L. Scott	Police Officer	01-BR-076
Eugene W. Sanders III	Police Officer	01-BR-077
Lisa M. Porter	Police Officer	01-BR-078

After reviewing the files of Dwight D. Decker, William C. Duerson, Matthew S. Cellura, Michael M. Barnes, Corbin M. Wood, Thomas D. Grube, George C. Lape, Tonia L. Scott and Eugene W. Sanders III, the Commission decided their names would not be reinstated to the police officer eligible list.

The Commissioners reviewed the files of Scott A. Stacy, Derrick J. Turner, Tiffany R. Erwin, Robert F. Zidar and Lisa M. Porter and decided their names would be reinstated to the police officer eligible list.

After reviewing Carl B. Schweisthal's file, the Commissioners decided his name would not be reinstated to the firefighter eligible list.

Police Officer Applicants	
Removed During The Prescreening Process	
<u>Name of Applicant</u>	<u>Removal Standard(s)</u>
Eric Cunningham	Traffic (E.5)

Michael Mahoney	Traffic (E.3)
Jeremiah Mettler	Employment (C.3)/Traffic (E.3)
Mark J. Ulloa	Employment (C.3)

The Commissioners reviewed the files of four Police Officer applicants for an administrative review of the decision of the Executive Director to reject their applications due to violations of the background standards for Police Officers during the pre-screening process.

The Commissioners decided that the applications of Eric Cunningham, Michael Mahoney, Jeremiah Mettler and Mark J. Ulloa would not be accepted and they would not be permitted to take the police officer test.

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Re: *Personnel Action – Request of the Civil Service Commission to approve the voluntary demotion request by the Department of Development and William J. Denser, in accordance with Commission Rule XII(D)(1)(a) and (2)(c).*

A motion to approve the request was made, seconded and passed unanimously.

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Re: *ADMINISTRATIVE/JURISDICTIONAL REVIEWS*

*Review of the appeal of Nina Preston regarding her score on the Basic Skills Examination for the Watcher classification – Appeal No. 01-CA-0020.*

The Commissioners approved the written recommendation submitted by the Civil Service Commission staff to that the score Ms. Preston received on the Watcher examination was accurate and dismissed her appeal without a hearing.

*Review of the appeal of Michael Pallos regarding his not being appointed to the position of Laborer at the Columbus Public Schools.*

The Commissioners approved the written recommendation submitted by the Civil Service Commission staff that there were no violations of the Commission rules or the Ohio civil service laws regarding the Laborer appointment and dismissed Mr. Pallos' appeal without a hearing.

*Review of the appeal of Stephanie Commodore regarding her discharge from the position of Bus driver at the Columbus Public Schools.*

The Commissioners approved the written recommendation submitted by the Civil Service Commission staff that it has no authority or jurisdiction to hear the appeal of Ms. Commodore's voluntary resignation and dismissed her appeal without a hearing.

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*The Commission adjourned its regular meeting at 1:52 p.m. to conduct a disciplinary hearing.*

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RE *Hearing on the merits of the appeal of Jeff Wentworth, from the action of the Department of Public Safety, Division of Fire, discharging from the position of Firefighter - Case No. 01-CA-0009.*

Commission President Tyson read the charges and specifications into the record.

**Charge I:** Collective Bargaining Contract between City of Columbus and Columbus Fire fighters Union Local #67, IAFF, Section 32.8, Disciplinary Action, paragraph (f): "Employee must agree that during or after this last-chance period, if the employee tests positive again or otherwise violates this Article, the employee may properly be terminated."

**Specification I:**

On April 29, 1999, during a random drug test, FF Jeff Wentworth tested positive. FF Wentworth signed a Substance Abuse Policy Conditional Employment Contract on May 6, 1999. Paragraph (E) of this contract states that the employee agrees to submit to random testing up to eight (8) times per twelve (12) month period for the following 24 months, (i.e., the 24 months following completion of the aftercare period); and paragraph (F) agrees that, during or after this last-chance period in (E) above, if the employee tests positive again, the employee may be terminated.

FF Wentworth went to the Work Health Downtown clinic on November 29, 2000 for a random follow-up drug test. The sample was sent to the CRL laboratory that day. The results from the lab were as follows: "Sample substitute, not consistent with human urine." FF Wentworth requested a test of Bottle B. This was completed on 12/4/00. The results were the same.

**Charge II:**

Collective Bargaining Contract between City of Columbus and Columbus Fire fighters Union, Local #67, IAFF (June 1, 1998 – May 31, 2001), Section 32.8, disciplinary Action: "Employees who test positive more than once are subject to discharge. Employees who refuse to cooperate in a permitted test are subject to discharge."

Section 32.17 Definitions – "Refusal to Cooperate" means (i) to obstruct the specimen collection process, (ii) to attempt to or to tamper with the collection or testing process, or (iii) to fail to provide to breath and urine specimens adequate for testing when directed to do so, without promptly establishing a medical basis for the failure to provide such specimens.

**Specification I:**

On November 29, 2000, FF Jeff Wentworth went to the Work Health Downtown Clinic for a random follow-up drug test. The sample was sent to the CTRL laboratory that same day. The results from the lab were as follows: "Sample substituted, not consistent with human urine." FF Wentworth requested a test of Bottle B. That test was completed on 12/4/00. The results were the same. This would indicate that FF Wentworth did tamper with the test by substituting another substance for his urine.

**Charge III:**

City of Columbus Central Work Rules – Rule 3 – substance Abuse: "All employees are expected to report to work unimpaired by drugs or alcohol, as detailed in the policies of the city of Columbus. All employees in City service shall be subject to drug and alcohol testing as set forth in collective bargaining agreements and/or City policies. City employees shall not engage in the following acts or conduct:

(D) "Failing or refusing to comply with drug and alcohol testing mandated by a collective bargaining contract and/or any City policy or procedure implementing the contract."

**Specification I:**

On November 29, 2000, FF Jeff Wentworth went to the Work Health Downtown Clinic for a random follow-up drug test. The sample was sent to the CRL laboratory that day. The results from the lab were as follows: "Sample substituted, not consistent with human urine." FF Wentworth requested a test of Bottle B. That was completed on 12/4/00. The results were the same. By substituting another substance for his urine, FF Wentworth failed to comply with drug and alcohol testing mandated by the collective bargaining contract.

**Charge IV:**

Columbus Division of Fire Systems Manual, Section 382.00: "the City will not discharge an employee who tests positive a first time (whether or reasonable suspicion, random, refusal to test), but may suspend such employee. The length of such suspension shall be determined on a case-by-case basis, but shall not ordinarily exceed ten (10) days or eighty (80) work hours. The employee must receive an evaluation by the EAP or other substance abuse professional within ten (10) days of being relieved of duty or face more severe disciplinary action. This limitation on discipline shall not limit the City in imposing discipline up to and including termination for gross misconduct, which may be coincident with an employee's improper drug or alcohol use. If an employee tampers with a specimen, that test will be considered positive and the employee will be suspended

for thirty (30) days on the first occasion. Employees will be terminated after a second positive drug or alcohol test, or any other drug related offenses.

**Specification I:**

On April 29, 1999, during a random drug test, FF Jeff Wentworth tested positive. FF Wentworth signed a Substance Abuse Policy Conditional Employment Contract on May 6, 1999. Paragraph (E) of this contract states that the employee agrees to submit to random testing up to eight (8) times per twelve (12) month period for the following 24 months (i.e., the 24 months following completion of the after-care period); and paragraph (F) agree (sic) that during or after this last-chance period in (E) above, if the employee tests positive again, the employee may be terminated.

Fire Fighter Wentworth went to the Work Health Downtown Clinic on November 29, 2000, for a random follow-up drug test. The sample was sent to the CRL laboratory that day. The results from the lab were as follows: "Sample substituted, not consistent with human urine." FF Wentworth requested a test of Bottle B. that was completed on 12/4/00. The results were the same.

Appearances and preliminary matters were handled. Both parties declined a separation of witnesses so Commission President Tyson swore in all witnesses en masse. Appellant's attorney, Dan Smith, made his opening statement. Assistant City Attorney Alan Varhus made his opening statement.

Jeff Wentworth – Dan Smith called Mr. Wentworth on direct examination. Mr. Wentworth was cross-examined by Mr. Varhus, answered questions from the Commissioners and was excused.

Fire Captain Yolanda Arnold – Captain Arnold was called on direct examination. Mr. Varhus waived cross-examination, the Commissioners had no questions for Captain Arnold and she was excused.

Fire Lieutenant John Sullivan – Dan Smith called Lieutenant John Sullivan on direct examination. Lieutenant Sullivan was cross-examined by Mr. Varhus, answered questions from President Tyson, examined on re-direct by Mr. Smith and was excused.

Fire Lieutenant Woodrow X. Davis – Lieutenant Davis was called on direct examination. There was no cross-examination by Mr. Varhus and the witness was excused.

Dan Smith rested his case for the appellant.

Assistant Fire Chief Carl Lawhorn – Assistant Chief Lawhorn was called on direct examination by Mr. Varhus, was cross-examined by Mr. Smith, examined on re-direct by Mr. Varhus and answered questions from the Commissioners. Assistant Chief Lawhorn was further examined on re-cross by Mr. Smith and was excused.

Winfield Sapp, Alcohol and Drug Testing Coordinator – Mr. Sapp was called on direct examination by Mr. Varhus, cross-examined by Mr. Smith, answered questions from the Commissioners and was excused.

Attorneys Varhus and Smith presented their closing arguments and the hearing was recessed.

\* \* \*

*The Commission reconvened the hearing at 4:30 p.m.*

\* \* \*

**DECISION**

The Commission, in a unanimous decision, found Firefighter Wentworth **guilty of all charges**. Based upon the foregoing, the Commission upheld the action of the appointing authority discharging him from the position of Firefighter.

\* \* \*

*The hearing was adjourned at 4:36 p.m.*

\* \* \*

Priscilla R. Tyson, Commission President

September 24, 2001  
Date